

REGISTER

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A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Environment & Natural Resources: Water Management Board: (April 8, 2003) intends to amend rules to comply with new federal regulations for concentrated animal feeding operations that will require additional storage capacity to hold manure and process wastewater generated at swine, poultry, and veal operations; additional record keeping and reporting requirements for owners/operators of regulated animal feeding operations; nutrient management plans based on both the nitrogen and phosphorous content of the manure; and update the effluent standards for surface water discharge permits and pretreatment industrial users. The general authority for these rules, as cited by the department, is SDCL 34A-2-13, 34A-2-28, 34A-2-30, and 34A-2-93.

A public hearing will be held in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on May 7, 2003, at 8:45 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to Kent Woodmansey, Department of Environment and Natural Resources, Surface Water Quality Program, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must be received by 5:00 p.m. on May 6, 2003, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3351 at least 48 hours before the hearing.

Bureau of Personnel: (April 8, 2003) intends to create a prescription drug discount program for persons who are 65 years of age or older or who are disabled and meet certain income criteria and to establish certain fees which will be paid to pharmacies for honoring the discounts. The general authority for these rules, as cited by the bureau, is SDCL 3-12B-2.

A public hearing will be held in Room 412, 4th Floor, State Capitol, Pierre, South Dakota, on May 12, 2003, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Bureau of Personnel, State Capitol, 500 East Capitol, Pierre, South Dakota 57501. Material sent by mail must be received by May 9, 2003, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3148 at least 48 hours before the hearing.

Department of Commerce and Regulation: Cosmetology Commission: (April 10, 2003) intends to amend rules to update definitions of cosmetology practices; adopt fees for the new esthetics licenses, duplicate licenses, and continuing education verification; adopt renewal dates for all licenses; clarify requirements for salons in private residences; update application requirements for individual licensees, salons, booths, and schools; adopt safety and sanitation standards for esthetics; update and clarify safety and sanitation procedures for all licensees, salons, booths, and schools; update school curriculum, reports, equipment, and facility requirements for cosmetology and nail technology education; adopt school curriculum,

equipment, and facility requirements for esthetics education; adopt requirements for school field trips; adopt continuing education requirements for instructor licenses and practices using microdermabrasion machines; update all rules for style, clarity, and consistency. The general authority for these rules, as cited by the bureau, is SDCL 36-15-13, 36-15-20, 36-15-20.1, 36-15-34, 36-15-46 and HB 1046.

A public hearing will be held at the Cosmetology Commission office, 111 East Capitol, Pierre, South Dakota, on May 13, 2003, at 8:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Cosmetology Commission, 500 E. Capitol, Pierre, South Dakota 57501. Material sent by mail must be received by May 12, 2003, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-6193 at least 48 hours before the hearing.

Department of Game, Fish and Parks:

(April 11, 2003) has filed rules that will amend the number and types of licenses available for the youth deer hunting season and repeal the provision that prohibits a hunter from obtaining only one license; amend the number and types of licenses available for special deer hunting units in the Black Hills; modify the boundaries in the Black Hills, Fall River County, and Yankton County for the fall wild turkey hunting season and amend the number and types of turkey licenses available in the applicable hunting units; modify nonresident waterfowl license Unit 455-00X to include Brule and Buffalo counties; and modify the opening date of the tundra swan hunting season and establish the number and types of permits. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-6-18.2, 41-6-18.4, 41-6-21, and 41-11-5.

A public hearing will be held at the Blue Bell Lodge in Custer State Park, South Dakota, on May 1, 2003, at 2:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to John L. Cooper, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received prior to the hearing date. Comments may also be sent by e-mail to chuck.schlueter@state.sd.us. E-mail comments must include the commenter's name and address. Handicapped persons may contact the department at (605) 773-3718 for assistance.

Secretary of State: Board of Elections:

(April 11, 2003) intends to adopt rules that will require additional information on voter registration forms, update the instructions for registering to vote to show new requirements, create a form for a person registering without a driver's license or social security number, provide more instructions to voters at the polling place and on the ballot, provide forms for provisional ballot voting, provide a personal identification affidavit, remove a candidate's city from the general election ballot, clarify the recount procedures for machine tabulated ballots, remove the reasons from an absentee ballot application, revise the requirements for certifying a direct recording electronic voting machine, provide more information on a municipal nominating petition and provide a space for notarization, and require a security envelope for the overseas absentee ballot envelope. The general authority for these rules, as cited by the department, is SDCL 12-1-9, 12-4-35, 12-17B-7, 12-17B-17, 12-19-2, and Chapters 12-4, 12-18, and 12-20.

A public hearing will be held in Room 412, State Capitol, Pierre, South Dakota, on May 15, 2003, at 8:00 a.m. Copies of the proposed rules may be obtained from the Election Department, Secretary of State, 500 East Capitol Avenue, Pierre, South Dakota 57501 or at www.state.sd.us/sos/boe.htm. Written comments may be sent to the Secretary of State, 500 East Capitol Avenue, Pierre, South Dakota 57501.

Written comments must be received on or before May 13, 2003. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3537 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules: (None)

Executive Appointments:

Jerry Shoener, Rapid City, was appointed on March 28, 2003, to the **Transportation Commission**, to replace Mark Mollers, effective April 19, 2003, and shall continue until April 18, 2007.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

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| 4-22-2003 | Transportation: Aeronautics Commission | Amend the definition of private airports, clarify time period of the Commission approval, and amend the application process; 29 SDR 139. |
| 4-23-2003 | Commerce & Regulation: Board of Nursing and Joint Board of Nursing and Board of Medical and Osteopathic Examiners | Amend licensure fees; 29 SDR 135. |
| 4-29-2003 | Commerce & Regulation: Division of Banking | Amend the semiannual bank examination fee; 29 SDR 139. |
| 5-1-2003 | Game, Fish and Parks | Amend the fall wild turkey hunting season, the waterfowl hunting season, the Black Hills deer hunting season, and the youth deer hunting season; 29 SDR 144. |
| 5-7-2003 | Environment and Natural Resources: Water Management Board | Amend rules for concentrated animal feeding operations; 29 SDR 143. |
| 5-8-2003 | Health | Amend rules under the Health Professional Recruitment Incentive Program; 29 SDR 135. |
| 5-12-2003 | Personnel | Create a prescription drug discount program and establish fees for participating pharmacies; 29 SDR 143. |

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| 5-13-2003 | Commerce and Regulation: Cosmetology Commission | Adopt rules to reflect HB 1046 and to update safety and sanitation procedures; 29 SDR 143. |
| 5-15-2003 | Secretary of State: Board of Elections | Adopt rules to comply with the requirements of the Help America Vote Act, implement statutory changes in voter residency and registration requirements, provide additional instruction to voters, streamline the information provided on a ballot, clarify how to handle recount discrepancies, change DRE certification requirements to meet needs, prevent ineligible municipal candidates from filing a petition, provide for voter identification prior to voting and provide secrecy for all absentee ballots; 29 SDR 144. |
| 5-16-2003 | Labor: Labor & Management | Update the workers' compensation fee schedule; 29 SDR 139. |

Rules Review Committee Meetings

The first meeting of the Interim Rules Review Committee will be held Tuesday, April 15 in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2003 interim: May 13, June 10, August 5, September 8, October 6, and November 19.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

Note: An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office and on the LRC web site.

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